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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/782,139 | 02/20/2004 | Ruben Lopez-Apodaca | AMC-3528 | 5204 |
| 7590 | 09/29/2004 | | EXAMINER | |
| Seto Patents 406 Riverland Dr. Salem, VA 24153 | | | MARSH, STEVEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/782,139 | LOPEZ-APODACA, RUBEN | |
| | Examiner | Art Unit | |
| | Steven M Marsh | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 and 12-15 is/are rejected.

7) Claim(s) 11 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This is the first office action for U.S. Application 10/782,139 for a Forearm and Wrist Support for Computer Keyboard Operators filed by Ruben Lopez-Apodaca on February 20, 2004.

Claim Rejections - 35 USC § 112

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims a pad including a soft inner material and a durable outer covering, including cloth, vinyl, and leather. Applicant appears to claim some combination of these materials, but there is no mention of this material in the specification. For examination purposes it is assumed that Applicant intended to claim an outer covering selected from a group including cloth, vinyl, and leather.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless –~~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,362,809 B2 to Mattson. Mattson discloses a cushioned pad (208) that is large enough to accommodate a portion of an operator's forearm. There is a support base (bottom of 200) with an upper portion attached to the cushioned pad, and a lower portion that is adapted to attach to a flat working surface with a keyboard. There is a support extension (212) housed between the cushioned pad and the base, and the support extension can be controllably slid between an extended position and a closed position, and could provide support for a user's forearm. The device also has a tab (214) that protrudes out the side of the device that can be used to move the extension between the extended and closed positions. Mattson also discloses the use of a rubber surface on the bottom of a pad for gripping a working surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of U.S. Patent 5,678,800 to Markussen. Mattson does not disclose a cushioned pad with an inclining surface caused by a varying thickness of the pad, wherein a portion of the pad furthest from the operator is thicker than a portion of the pad closest to the operator. Markussen discloses a mouse pad (24) with an inclined

surface (26) that creates ergonomic benefits such as reducing the muscular and skeletal strain on a user's hand and wrist (see abstract). The pad (24) can be made of foam rubber (a soft material, see col. 5, lines 44-48) and Mattson discloses covering a pad with a cloth material (col. 5, lines 66 and 67). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized an inclined pad in place of the pad taught by Mattson, as taught by Markussen, for the purpose of reducing the muscular and skeletal strain on a user's hand and wrist.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of U.S. Patent 6,471,164 B2 to DiOrio. Mattson does not disclose a support base with a clamp that is comprised of a bracket that is attached to the bottom of the device and a screw that is mechanically attached to and passes through the bracket. DiOrio discloses a computer pad for use with a mouse. The base of the device has a clamp (42) for securing the pad to a work surface, with a bracket (46 and 48) that is attached to the bottom of the device, and a screw (52) that is mechanically attached to and passes through the bracket. The clamping surface of the screw clamp is covered with a non-marring surface (it is well known in the art to provide rubber between the disc and work surface as a non-marring surface). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have included a clamp on the base of the device taught by Mattson, such as the clamp taught by DiOrio, for the purpose of securing the mouse pad to a work surface.

Claims 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of DiOrio, in further view of U.S. Patent 6,527,234 B1

to Kovacik, and in further view of U.S. Patent 6,479,277 B2 to Michaels. In addition to the features discussed above in the rejection of claims 2 and 3, Mattson discloses a flat rigid horizontal lower member (205 of Mattson) with vertical side members (the side walls) attached to each side of the lower member and extending substantially the length of the lower member. There is a front member (the portion surrounding 212), a sliding arm, and an attachment system (disclosed by DiOrio) for securing the apparatus to a work surface as discussed above in the rejection of claim 6.

Mattson in view of DiOrio does not disclose tabs attached to each side and near a front end of the sliding arm support, with each tab of the sliding arm support engaging respective slots in the vertical side members of the supporting base. Kovacik discloses a mouse support with a supporting base that includes vertical side members that are provided with horizontal slots (74) of a sliding length. There is a horizontal sliding arm (48) with a flat horizontal surface made of a rigid material that is substantially the same, but less than the width of the vertical side members. There are also tabs (72) attached to each side of the sliding arm support and each tab engages a respective slot (74) in the vertical side members for guiding the extension of the sliding arm within the housing that includes the vertical side members. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the device taught by Mattson in view of DiOrio, with tabs on the sliding arm support to engage complementary slots in the vertical side members, as taught by Kovacik, for the purpose of guiding the extension of the sliding support arm within the housing.

Mattson in view of DiOrio, and in further view of Kovacik, does not disclose a T-shaped tab at the bottom of the sliding arm support for engaging a slot in the horizontal lower member. Michaels teaches the use of a t-shaped tab (32 and 34) in one member (30b) for limited slidable engagement with the slot (31) of another member (10a). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a T-shaped tab on the sliding arm and a complementary slot in the lower horizontal member taught by Mattson in view of DiOrio, and in further view of Kovacik, as taught by Michaels, for the purpose of limiting the slidable movement between the sliding arm and lower member.

Mattson in view of DiOrio, in further view of Kovacik, and in further view of Michaels does not disclose the angle of the vertical member, the specific dimensions of the supporting base, or the specific dimensions of the sliding arm support. However, those are a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not disclose a forearm support with a supporting base that has a flat rigid horizontal member with a slot and vertical members on each side, whereby each vertical member extends the length of the lower member and is provided with a horizontal slot, a horizontal sliding arm that

includes tabs attached to each side for engaging the slots of the vertical member, a cushion with a pad covering the base and a cover covering the pad, an attachment system attached to the lower member of the supporting base for securing the apparatus to a horizontal work surface, and a screw threaded up through the front edge of the supporting base to aid holding the sliding arm in place.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,833,180 to Baranowski

U.S. Patent 6,070,838 to Luginsland

U.S. Patent 6,467,737 B1 to Dorantes

U.S. Patent Des. 423,482 to Eddins

U.S. Patent Des. 442,603S to Lam

U.S. Patent 5,848,773 to Bourassa

U.S. Patent 6,109,571 to Hirschovits et al.

U.S. Patent 2,477,898 to Rehman et al.

The above patents disclose user support apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is

(703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

September 14, 2004

Leslie A. Braun

LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER